

PLANNING COMMISSION MINUTES

March 27, 2002

CALL TO ORDER:

Chairman Vlad Voytilla called the meeting to order at 7:00 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

ROLL CALL:

Present were Chairman Vlad Voytilla, Planning Commissioners Bob Barnard, Gary Bliss, Eric Johansen, Dan Maks, Shannon Pogue and Bill Young; and Alternate Planning Commissioner Steven Olson.

Principal Planner Hal Bergsma, Senior Planner Alan Whitworth, Senior Planner John Osterberg, Associate Planner Liz Shotwell, Assistant City Attorney Ted Naemura and Recording Secretary Sandra Pearson represented staff.

The meeting was called to order by Chairman Voytilla, who presented the format for the meeting.

VISITORS:

Chairman Voytilla asked if there were any visitors in the audience wishing to address the Commission on any non-agenda issue or item. There were none.

STAFF COMMUNICATION:

On question, staff indicated that there were no staff communications at this time.

OLD BUSINESS:

Chairman Voytilla opened the Public Hearing and read the format for Public Hearings. There were no disqualifications of the Planning Commission members. No one in the audience challenged the right of any Commissioner to hear any of the agenda items, to participate in the hearing or requested that the hearing be postponed to a later date. He asked if there were any ex parte contact, conflict of interest or disqualifications in any of the hearings on the agenda. There was no response.

1 **CONTINUANCES:**

2

3 **A. CUP 2001-0030 – VOICESTREAM MONOPOLE @ SW 1ST**
4 **STREET CONDITIONAL USE PERMIT**

5 (Continued from February 13, 2002)

6 The applicant requests approval of a Conditional Use Permit (CUP) to
7 place a monopole on a site generally located on the south side of SW 1st
8 Street, between SW Angel Avenue and SW Watson Avenue. The address
9 of the proposed development is 12650 SW 1st Street, and it is more
10 specifically identified as Tax Lot 4200, Washington County Tax
11 Assessor's map 1S1-16AD. The affected parcel is zoned Regional Center
12 – Old Town (RC-OT) and totals approximately 0.11 acres in size. A CUP
13 is required to locate a utility facility within the RC-OT zoning district. A
14 decision for action on the proposed development will be based upon the
15 approval criteria listed in Section 40.05.15.2.C.

16

17 Observing that he is a customer of *Voicestream*, Commissioner Pogue indicated
18 that this would not influence his decision with regard to this application.

19

20 Commissioners Johansen, Bliss, Young, Pogue and Maks and Chairman Voytilla
21 all indicated that they had visited the site and had not had any contact with any
22 individual(s) with regard to this application.

23

24 Commissioner Barnard indicated that although he had not visited specifically with
25 regard to this particular application, he is familiar with the site and has had not
26 had any contact with any individual(s) with regard to this application.

27

28 Associate Planner Liz Shotwell presented the Staff Report and briefly described
29 the proposal, which requests approval of a Conditional Use Permit for a 60-foot
30 monopole in the design of a flagpole, including an illuminated American flag,
31 associated equipment, landscaping and fencing. She pointed out that a unique
32 aspect of this proposal is that the subject property is located within the Downtown
33 Beaverton Historic District, emphasizing that a historic landmark is located on the
34 site. Observing that the application had been submitted in December 2001, she
35 noted that staff has been working with the applicant to address issues related to
36 the historic nature of the site. Concluding, she recommended approval, including
37 Conditions of Approval Nos. 1 through 4, and offered to respond to questions.

38

39 On question, Ms. Shotwell advised Commissioner Johansen that approval of the
40 application would bind the applicant to the proposed flagpole design.

41

42 Referring to page 5 of the Staff Report, with regard to the design of an illuminated
43 American flag, Commissioner Maks questioned whether the monopole itself
44 would hold a regular flag.

45

1 Ms. Shotwell assured Commissioner Maks that this stealth-design monopole is
2 designed to hold a flag, emphasizing that this would be an actual American flag,
3 illuminated by three light fixtures located at the base of the facility pointing up
4 towards the flag.

5
6 Commissioner Maks pointed out that prior cellular tower applications have
7 included a Condition of Approval providing that Design Review approval is
8 required prior to issuance of the building permit or placement of the proposed
9 monopole and related equipment, requesting clarification of why this has been
10 omitted.

11
12 Ms. Shotwell advised Commissioner Maks that this Condition of Approval should
13 be included in the motion.

14
15 Commissioner Maks mentioned that prior cellular tower applications have also
16 included a Condition of approval providing that administrative conditional use
17 approval for height exception is required prior to issuance of a building permit for
18 placement of the proposed monopole and related equipment.

19
20 Ms. Shotwell pointed out that building permits are a requirement prior to
21 construction, noting that this Condition of Approval could be included as well.

22
23 Commissioner Maks advised Ms. Shotwell that although she had included this
24 information within the Staff Report, it is generally included in the Conditions of
25 Approval, adding that there is sometimes a Condition of Approval providing that
26 the Conditional Use Permit shall become void two years after the final date of
27 approval if a building permit has not been obtained. He pointed out that because
28 of the height, he understands why there has been no provision with regard to the
29 potential for collocation at this site. He observed that there is usually a Condition
30 of Approval stipulating that the Applicant shall be responsible for removal of
31 wireless structure within six months of cease of operation, noting that if the
32 monopole is not being utilized, it should not remain.

33
34 Ms. Shotwell suggested that this should also be included as a Condition of
35 Approval.

36
37 Commissioner Pogue referred to page 10 of the Staff Report, requesting
38 clarification of the reference to a second property.

39
40 Ms. Shotwell informed Commissioner Pogue that two offices are located within
41 the existing home on the site, adding that with no formal parking lot at the rear of
42 the building that meets applicable code standards, the employees and/or visitors of
43 the facility currently park in the driveway adjacent to the building.

44
45 Referring to page 10 of the Staff Report, specifically the comment that the
46 applicant proposes to introduce a second use to an existing property within the

1 CBD, thus intensifying development within the area, Commissioner Pogue
2 requested clarification of how this is related to the decision-making process with
3 regard to this application.
4

5 Ms. Shotwell advised Commissioner Pogue that it is staff's understanding that the
6 applicant is proposing a second use on the site, pointing out that although this
7 would not create additional employment, it would intensify development.
8

9 Commissioner Pogue referred to the lighting issue, and questioned specifically the
10 impact to the surrounding areas.
11

12 Observing that the cut sheets submitted by the applicant had been included within
13 the Board of Design Review's packet for the following evening, Ms. Shotwell
14 pointed out that three lights have been proposed, including louvers that are
15 designed to prevent glare from traveling horizontally to the surrounding areas.
16

17 Referring to page 11, specifically Criteria 3.8.1.d, Chairman Voytilla requested
18 clarification of how the finding meets the criteria providing for the promotion of a
19 greater intermixing of land uses so as to provide greater vitality, more efficient
20 use of land and decreased use of the automobile.
21

22 Ms. Shotwell informed Chairman Voytilla that because the applicant is proposing
23 a second use that would further intensify the use of the site, the area would not be
24 impacted greatly in terms of additional traffic.
25

26 Chairman Voytilla questioned specifically of how this application promotes
27 vitality and more efficient use of the land.
28

29 Ms. Shotwell responded that with the second use of the land, the applicant is
30 intensifying that site.
31

32 Chairman Voytilla pointed out that this particular use could be located in many
33 areas, observing that with a Conditional Use Permit, it is necessary to provide
34 more detail with regard to how this would be achieved and why this conditional
35 use is appropriate.
36

37 Ms. Shotwell informed Chairman Voytilla that the applicant has indicated that
38 there would only be periodic trips to the site, specifically once per quarter, adding
39 that this use generates less traffic than other uses that might be located on this site.
40

41 Chairman Voytilla expressed his appreciation of staff's description of the
42 previous use of the building, and questioned whether any prior type of flagpole
43 had been located on the property or in the general area in the past.
44

45 Ms. Shotwell responded that she is not aware of any flagpole located on this
46 property or in the area in the past.

1 Referring to his site visit, Chairman Voytilla mentioned the vegetation on the site,
2 and questioned whether the applicant proposes removal of the trees.

3
4 Ms. Shotwell indicated that the applicant is proposing the removal of two trees on
5 the site.

6
7 Chairman Voytilla noted that several sites in the area that include this historic
8 interest have specific requirements providing that vegetation be retained,
9 questioning why staff is not concerned with the vegetation at this particular
10 historic site.

11
12 Ms. Shotwell assured Chairman Voytilla that staff had definitely been concerned
13 with the vegetation, adding that although they had considered the possibility of
14 preserving these existing trees, other factors were involved and the proposed
15 location for the facility appeared to be the best location when considering a
16 combination of other parking lot requirements created by the first use.

17
18 Chairman Voytilla questioned whether parking has a higher priority than
19 vegetation with this application.

20
21 Ms. Shotwell indicated that parking does not necessarily have a greater priority
22 than vegetation with this application.

23
24 Chairman Voytilla suggested that due to the need to fulfill the parking
25 requirement, some of the vegetation would be eliminated. Referring to the
26 lighting, he requested clarification of the location of the fixtures on the pole.

27
28 Ms. Shotwell explained that the light fixtures would be located on the base of the
29 facility, pointed upwards, with the louvers on the side and facing south.

30
31 Chairman Voytilla expressed concern with the potential effects of the proposed
32 illumination and glare on the surrounding neighborhood.

33
34 Ms. Shotwell informed Chairman Voytilla that although staff had been concerned
35 with the potential for glare from the lights on the surrounding neighborhood, the
36 manufacturers specifications had provided adequate reassurance that the louver
37 would substantially reduce the glare off of the property.

38
39 Observing that he understands why the flag is part of the design, Chairman
40 Voytilla questioned the necessity of actually illuminating this flag.

41
42 Ms. Shotwell clarified that she believes that the illumination of the flag is the
43 proper etiquette with regard to the flag.
44

1 Noting that it is appropriate to illuminate any flag displayed during the evening
2 hours, Chairman Voytilla suggested that the flag could possibly be taken down
3 during the evening and only displayed during the day.
4

5 Observing that this had been discussed, Ms. Shotwell noted that the applicant
6 could address this issue during their presentation.
7

8 Chairman Voytilla questioned whether the proposed structure has been reviewed
9 with regard to the concealment of equipment, as it relates to the compatibility of
10 the historical structure on the site from an architectural standpoint.
11

12 Ms. Shotwell advised Chairman Voytilla that staff has reviewed this issue, noting
13 that the applicant is proposing to match the colors, materials and roof pitch with
14 those of the existing structure.
15

16 Commissioner Young referred to page 5 of the Staff Report, requesting
17 clarification of the appropriate times for posting notification on the property.
18

19 Ms. Shotwell explained that the applicant is required to post notice of the Public
20 Hearing a minimum of 20-days prior to the date scheduled for the Public Hearing,
21 adding that although the 20-day notification requirement had not been achieved
22 with this specific application, staff had determined that 15 days would provide
23 adequate notice to the affected property owners.
24

25 Commissioner Young noted that he is attempting to understand whether the 20
26 days versus the 15 days is a discretionary issue that can be waived without
27 violating the procedural requirements.
28

29 Ms. Shotwell advised Commissioner Young that not meeting the noticing
30 requirements would not actually invalidate the application.
31

32 Senior Planner John Osterberg explained that the most relevant comments might
33 come from the City Attorney, observing that of the several public notices that are
34 required for this application, the notice sign had not been prepared and posted the
35 required 20 days in advance. Noting that the remaining public notices had been
36 provided appropriately, he pointed out that the City Attorney has some comments
37 with regard to what should be considered with regard to this notification
38 requirement that had not been appropriately addressed.
39

40 Assistant City Attorney Ted Naemura emphasized that no member of staff would
41 ever advise any applicant that it is appropriate not to comply with City ordinances
42 and State law. He explained that the Staff Report outlines the procedures that had
43 been followed to provide notification of this proposal, as provided by City
44 ordinances and State law. He mentioned that the Staff Report also indicates that
45 one of those requirements had not been fully met, noting that the ramifications of
46 this would require any individual who feels jeopardized in some way as a result of

1 a procedural error to address this issue. He expressed his opinion that if this does
2 not occur and no individual challenges this issue, the issue becomes a moot point.

3
4 Commissioner Voytilla referred to communications from Steve Biggi of *Biggi*
5 *Investment Co.*, dated January 17, 2002, requesting denial of the application; and
6 March 14, 2002, again requesting denial of the application and noting that he is
7 unable to attend the scheduled Public Hearing on March 22, 2002; requesting
8 clarification of whether staff had contacted Mr. Biggi with regard to this issue.

9
10 Ms. Shotwell advised Commissioner Voytilla that she had contacted Mr. Biggi
11 following the second letter and informed him that the Public Hearing regarding
12 this issue was scheduled for Wednesday, March 27, 2002, rather than Friday,
13 March 22, 2002.

14
15 **APPLICANT:**

16
17 **LARRY SOTOMAYOR**, representing *Communications Services, Inc.*, on behalf
18 of the applicant, *Voicestream Wireless*, discussed the proposal and described the
19 unique features of the application, observing that the completed project will
20 feature a garden shed in the back yard that matches the architecture, colors,
21 rooflines and materials of the existing building. He pointed out that in an effort to
22 locate an alternative site for this facility, the applicant had reviewed several other
23 locations that were either inappropriate or unavailable. Referring to the historic
24 nature of the site, he described the metal-looking flagpole with an American flag
25 accenting the historic home of Gus and Mabel Alexander, including a plaque in
26 the front of building, emphasizing that the historic tie would be created.
27 Observing that it is both traditional and legal to illuminate any American Flag that
28 is displayed on a 24-hour basis, he pointed out that it is not the responsibility of
29 the landlord to raise and lower this flag on a daily basis, emphasizing that this
30 would be impractical over a period of 30 years. Noting that the illumination
31 might be unnecessary, he suggested that the American flag could be replaced with
32 a different flag. Referring to page 11 of the Staff Report, he expressed his
33 opinion that this proposal would promote a greater intermixing of land uses so as
34 to provide greater vitality, more efficient use of land and decreased use of the
35 automobile, emphasizing that most residents have no knowledge of this historic
36 landmark. He pointed out that this development could create some pedestrian
37 interest and vitality in this the Old Town area, which is a specific district.
38 Concluding, he described the applicant's plans with regard to lighting,
39 landscaping and parking issues, recommended approval of the application, and
40 offered to respond to questions.

41
42 On question, Mr. Sotomayor informed Commissioner Maks that it is required for
43 the flagpole to be 60-feet high, adding that although the applicant had attempted
44 to site this facility at 80-feet and also considered collocating with a *Sprint*
45 monopole further to the west, emphasizing that it had been determined that the
46 proper coverage would not be available at less than 60-feet.

1 Commissioner Maks observed that a 45-foot or 50-foot pole could still provide
2 coverage, although it might become necessary to add another pole nearby.

3
4 Mr. Sotomayor advised Commissioner Maks that it is unlikely that *Voicestream*
5 would construct a 45-foot or 50-foot pole, adding that he is not certain what other
6 options would be available in this situation.

7
8 Commissioner Maks assured Mr. Sotomayor that he is aware that 60-feet is a low
9 height, adding that this eliminates the necessity for a Condition of Approval with
10 regard to collocation. He expressed his agreement with Mr. Biggi, observing that
11 this facility would be slightly out of character with the existing neighborhood,
12 emphasizing that the illumination at night would make this structure particularly
13 apparent.

14
15 Mr. Sotomayor reiterated that being forced to limit this monopole to 50-feet
16 would cause *Voicestream* to abandon the project, emphasizing that the facility
17 could not operate efficiently or serve customers appropriately with this restriction.

18
19 Commissioner Maks pointed out that even at 60-feet, this structure would be quite
20 tall and out of character in an area that has very few tall buildings or other
21 obstructions, emphasizing that it would stick out like a sore thumb.

22
23 Mr. Sotomayor pointed out that the proposed system would not operate very
24 effectively through vegetation and structures, observing that a flagpole is neither
25 noticeable nor incongruent with the existing neighborhood.

26
27 Commissioner Maks advised Mr. Sotomayor that a 60-foot flagpole in his
28 neighbor's back yard would be very obvious to him.

29
30 Agreeing that Commissioner Maks would notice a 60-foot flagpole in his neigh-
31 bor's back yard, Mr. Sotomayor pointed out that given the tasteful nature of the
32 structure, it would become invisible or a normal part of the scenery over a certain
33 period of time. He noted that this facility does not create the same type of visual
34 impact or intrusion created by a typical wireless telecommunication facility.

35
36 Commissioner Maks requested clarification of whether the flag is actually
37 necessary, observing that without the illumination, it might be even less
38 noticeable.

39
40 Mr. Sotomayor responded that the rationale behind the actual flag had been with
41 regard to creating a meaningful connection to the historic landmark that exists on
42 the site.

43
44 Chairman Voytilla referred to Exhibit 2, specifically a communication from Mr.
45 Sotomayor of *Communication Services, Inc.*, dated September 19, 2001, and
46 requested clarification of the attached elevation illustration of a monopole.

1 Mr. Sotomayor advised Chairman Voytilla that this illustration concerns the
2 original proposal prior to revisions with regard to the historic structure that is
3 located on the site, emphasizing that this illustration is incorrect and does not
4 include the proposed revisions. He clarified that the flagpole would be
5 constructed from tubular galvanized steel.

6
7 Commissioner Bliss requested clarification of the dimensions of the monopole.

8
9 Mr. Sotomayor informed Commissioner Bliss that while the standard monopole is
10 approximately 60-inches at the base, the proposed monopole is approximately 45-
11 inches to 48-inches in diameter at its base.

12
13 Observing that his neighbor has a flagpole in front of his two-story home,
14 Commissioner Bliss pointed out that although the flagpole extends to
15 approximately five or six feet above the house, it has become less noticeable over
16 time. Noting that he enjoys the presence of this flag outside of his home, he
17 mentioned that because the flagpole is not illuminated, the owner raises and
18 lowers the flag on a daily basis. He expressed his opinion that the proposed
19 flagpole would spark some interest in the historical landmark located on the site
20 and draw some attention to Old Town. Comparing the elevations on page A-4 to
21 the plan view, he pointed out that the pole should be in front of, rather than
22 behind, the building on the south elevation. He referred to the black-and-white
23 simulation photographs, observing that he had determined that the trees would
24 serve to partially mask the pole.

25
26 Referring to the 45-inch to 48-inch diameter of the base, Commissioner Johansen
27 requested clarification of what this base tapers to at the top of the structure.

28
29 Mr. Sotomayor explained that the diameter of the base tapers from 45-inch to 48-
30 inch base tapers to approximately 24-inches to 27-inches at the top of the
31 monopole.

32
33 Commissioner Johansen questioned how this compares to the flagpole at the
34 *Shurgard* facility located on Highway 217 near Denney Road.

35
36 Observing that this flagpole is probably very comparable to the flagpole at the
37 *Shurgard* facility located on Highway 217 near Denney Road, Mr. Sotomayor
38 pointed out that the flagpole at the *Shurgard* facility is 80-feet in height.

39
40 Chairman Voytilla questioned whether there is an issue with regard to how close
41 to one another the monopole and the equipment structure can be located.

42
43 Mr. Sotomayor pointed out that although staff had suggested the possibility of
44 locating the equipment underground, this and several other possibilities had not
45 been feasible due to the issues with regard to easements, waterlines and existing
46 utilities.

1 Commissioner Pogue questioned whether the trees that had been proposed for
2 removal had been eliminated from the illustrations.

3
4 Observing that staff had required the applicant to remove the trees proposed for
5 removal from the illustrations, Mr. Sotomayor pointed out that this is difficult
6 with a digital simulation. At the request of Commissioner Pogue, he described
7 which trees would be removed and which would be retained and assured him that
8 the flag would be maintained and replaced at some interval, as appropriate.

9
10 **PUBLIC TESTIMONY:**

11
12 On question, no member of the public appeared to testify with regard to this
13 application.

14
15 Ms. Shotwell pointed out that staff had determined that the base of the flagpole
16 would be 24-inches in diameter at the base, adding that the applicant should
17 clarify whether he had referred to the diameter or the circumference earlier.
18 Referring to comments indicating that the proposed enclosure would preclude
19 access to the flagpole, she noted that that the plans do not indicate that any fence
20 has been proposed around the flagpole, adding that this structure would be
21 accessible from both the west and north sides of the site.

22
23 Commissioner Barnard pointed out that while the applicant had indicated that the
24 base of the diameter of the flagpole is 45-inches to 48-inches, the base of the
25 diameter of the flagpole is actually 24-inches, and requested that the applicant
26 provide clarification of the actual diameter of the flagpole.

27
28 Mr. Sotomayor noted that although he is unable to account for this discrepancy,
29 the verbal information he provided is accurate, reiterating that the base of the
30 flagpole is approximately 45-inches to 48-inches in diameter and that
31 *Voicestream's* construction engineer has confirmed this information.

32
33 Chairman Voytilla requested clarification of the size of the proposed flag.

34
35 Mr. Sotomayor indicated that the proposed flag would most likely be at least six
36 feet by ten feet in size and clarified that no fence is proposed around the base of
37 the flagpole. He agreed that while it is possible to raise and lower the flag, from a
38 theoretical standpoint, he is not certain whether *Voicestream* would be capable of
39 convincing the property owner to raise and lower the flag on a daily basis.

40
41 Chairman Voytilla pointed out that raising and lowering the flag has an obvious
42 impact on the lighting issue with regard to this proposal.

43
44 Mr. Sotomayor assured Chairman Voytilla that the applicant is willing to
45 accommodate the Planning Commission with regard to the lighting issue.
46

1 Commissioner Pogue suggested the possibility of retaining Tree 16-C, suggesting
2 and questioned whether the flag could be eliminated while still meeting the needs
3 of *Voicestream*.
4

5 Mr. Sotomayor advised Commissioner Pogue that this would be feasible if the
6 base of the monopole were the same as the foundation, noting that these
7 foundations typically range from six feet to ten feet in diameter. He pointed out
8 that the creation of such a vertical penetration or cut into the soil would most
9 likely damage the roots and destroy the tree.
10

11 On question, staff had no further comments with regard to the application.
12

13 On question, City Attorney Ted Naemura indicated that he had no comments with
14 regard to this application.
15

16 The public portion of the Public Hearing was closed.
17

18 Commissioner Bliss indicated that the applicant had addressed his concerns,
19 expressing his opinion that proper etiquette dictates that this structure should be
20 illuminated, as proposed. Expressing his opinion that the proposal meets
21 applicable criteria, he stated that he would support a motion for approval.
22

23 Commissioner Barnard expressed his opinion that the application meets
24 applicable criteria and commended *Voicestream* for their diligence and efforts,
25 adding that he would support a motion for approval provided that the Conditions
26 of Approval suggested by Commissioner Maks are included, as well as a possible
27 additional Condition of Approval with regard to the dimensions of the flag, which
28 should be an illuminated American flag and proportional to the size of a pole.
29

30 Commissioner Maks indicated that he is in support of the application, noting that
31 although he prefers the flagpole-style monopoles, this technology does impose
32 restrictions on collocation. He pointed out that he prefers an American flag,
33 adding that although he has a minor concern with the illumination of the facility,
34 he would support a motion for approval, with the additional Conditions of
35 Approval that he had suggested.
36

37 Chairman Voytilla expressed his appreciation to the applicant for their efforts at
38 reasonably accommodating the services they are attempting to provide in the area,
39 adding that he is still concerned with compatibility with the neighborhood. He
40 observed that the facility appears to be both out of context and out of scale with
41 the existing area, he referred to Criteria 3.8.1.D and Criteria 3.8.6.4.A. Noting
42 that he is also concerned with the vegetation relative to the proposal and potential
43 impacts relative to adjacent property with regard to both illumination and noise
44 issues, he stated that he is opposed to the application.
45

Expressing his opinion that the application meets applicable criteria, Commissioner Johansen commended the applicant for attempting to create a development that would draw attention to this historic landmark. Observing that he is in support of the proposed illumination of this flag, he pointed out that it is important to display this flag on a 24-hour basis. He pointed out that this proposal is not inappropriate for this area in either size or scale, adding that he would support a motion for approval.

Commissioner Young concurred with the findings of staff and expressed his opinion that the application meets applicable criteria, noting that he would support a motion for approval.

Commissioner Pogue expressed his support of the application, observing that it appears to meet applicable criteria and is both attractive and reasonably compatible with the surrounding area.

Commissioner Maks **MOVED** that CUP 2001-0030 – Voicestream Monopole at SW 1st Street Conditional Use Permit be **APPROVED**, based upon the testimony, reports and exhibits, new evidence presented during the Public Hearing on the matter and upon the background facts, findings and conclusions found in the Staff Report dated March 20, 2002, and upon Conditions of Approval Nos. 1 through 4, including the following revisions and additions:

1. The permit granted shall run with the land and shall continue to be valid upon a change of ownership of the site or **wireless** structure unless otherwise specified in conditions attached to the permit.
2. Prior to issuance of a building permit, the applicant shall, in accordance with Section 40.05.15.2.D.2 of the Beaverton Development Code, file a copy of this approved permit with the Washington County Department of Corrections and Elections.
3. A Site Development Permit shall be secured prior to any site clearing, grading, parking lot paving or public works construction.
4. **Design Review approval is required prior to issuance of the building permit or placement of the proposed monopole and related equipment.**
5. **Administrative conditional use approval for height exception is required prior to issuance of a building permit for placement of the proposed monopole and related equipment.**
6. **Applicant shall be responsible for removal of wireless structure within six months of cease of operation.**

1 **7. A noncommercial flag shall be flown on the monopole, the flag shall**
2 **be proportionate to the height of the monopole and be well**
3 **maintained.**
4

5 Observing that the Board of Design Review would be reviewing a related
6 application the following evening, Mr. Osterberg requested clarification of
7 whether the Planning Commission intends that the Board might also condition the
8 proportion, size and scale of the proposed flag, adding that the Board would be
9 considering some of the elements considered this evening, such as lighting, and
10 could potentially have their own opinions with regard to the flag.

11
12 Commissioner Maks emphasized that the Condition of Approval is based upon
13 the desires of another Planning Commissioner.

14
15 Commissioner Barnard requested clarification of the feasibility of making a
16 recommendation to the Board of Design Review with regard to this issue.

17
18 Observing that it is not possible to condition a size that does not exist,
19 Commissioner Maks stated that while he is not certain whether it is possible to
20 impose a more specific Condition of Approval, it might be possible to require that
21 the height is to be determined by the Planning Director.

22
23 Mr. Osterberg suggested that this information should be provided to the Board of
24 Design Review to allow them to consider all of these issues when rendering their
25 own decision.

26
27 Commissioner Barnard **SECONDED** the motion as presented by Commissioner
28 Maks.

29
30 At the request of Commissioner Johansen, Commissioner Maks restated
31 Condition of Approval No. 7, as follows:

32
33 7. A noncommercial flag shall be flown on the monopole, the flag shall be
34 proportionate to the height of the monopole and be well maintained.

35
36 Motion **CARRIED**, 6-1, by the following vote:

37
38 **AYES:** Barnard, Bliss, Johansen, Maks, Pogue and Young.
39 **NAY:** Voytilla

40
41 8:21 p.m. – Ms. Shotwell left.

42
43 8:21 p.m. to 8:25 p.m. – recess.
44
45

1 **NEW BUSINESS:**

2
3 **PUBLIC HEARINGS:**

4
5 **REZONES:**

6 The purpose of the following applications is to apply the appropriate
7 zoning designations to implement new Comprehensive Plan designations
8 for specific properties effective February 7, 2002. Each zone change will
9 most closely match the City Comprehensive Plan Designation of Corridor
10 that was recently applied to these parcels as well as the density of the
11 existing development. The uses allowed by each proposed zoning district
12 could be referred to in the Beaverton Development Code.

13
14 **A. RZ 2002-0001 – WATERHOUSE PLACE APARTMENTS ZONING**
15 **MAP AMENDMENT**

16 The property is now zoned R-1 (Urban High Density with a maximum
17 density of one dwelling unit for every 1,000 square feet of land area); R-2
18 (Urban Medium Density with a maximum density of one dwelling unit for
19 every 2,000 square feet of land area; and R-5 (Urban Standard Density
20 with a maximum density of one dwelling unit for every 5,000 square feet
21 of land area). The southern parcel (Tax Lot 1N1-32CC #04400) is
22 proposed to be changed from R-1, R-2 and R-5 to R-1; and the northern
23 parcel (Tax Lot 1N1-32CB #13800) is proposed to be changed from R-5
24 to R-4 (Urban Medium Density with a maximum density of one dwelling
25 unit for every 4,000 square feet of land area).

26
27 **B. RZ 2002-0002 – ALTERRA MEMORY CARE CENTER ZONING**
28 **MAP AMENDMENT**

29 This proposal includes Alterra Memory Care Center (Tax Lot 1N1-31DD
30 #00400), Waterhouse RV Storage (Tax Lot 1N1-31DD #06800) and the
31 Stonegate Monument Sign (Tax Lot 1N1-31DD #00500). The property is
32 now zoned R-7 (Urban Standard Density with a maximum density of one
33 dwelling unit for every 7,000 square feet of land area and also allows for
34 residential care facilities and storage yards as Conditional Uses). The
35 three parcels are proposed to be changed to R-2 (Urban Standard Density
36 with a maximum density of one dwelling unit for every 5,000 square feet
37 of land area and also allows for residential care facilities and storage yards
38 as Conditional Uses.

39
40 **C. RZ 2002-0003 – SORRENTO BLUFF APARTMENTS ZONING**
41 **MAP AMENDMENT**

42 The property is now zoned R-7 (Urban Standard Density with a maximum
43 density of one dwelling unit for every 7,000 square feet of land area. The
44 parcel (Tax Lot 1S1-28BC #08200) is proposed to be changed to R-3.5
45 (Urban Medium Density with a maximum density of one dwelling unit for
46 every 3,500 square feet of land area).

1 **D. RZ 2002-0004 – KNOLLHURST CONDOMINIUMS AND HYLAND**
2 **HILLS TOWNHOMES ZONING MAP AMENDMENT**

3 The property is now zoned R-7 (Urban Standard Density with a maximum
4 density of one dwelling unit for every 7,000 square feet of land area. The
5 two parcels (Knollhurst -- Tax Lot 1S1-21BC #90000) and (Hyland Hills
6 – Tax Lot 1S1-21CB #90000) are proposed to be changed to R-4 (Urban
7 Medium Density with a maximum density of one dwelling unit for every
8 4,000 square feet of land area).

9
10 **E. RZ 2002-0005 – ON THE GREEN CONDOMINIUMS AND**
11 **CONESTOGA APARTMENTS ZONING MAP AMENDMENT**

12 The property is now zoned R-7 (Urban Standard Density with a maximum
13 density of one dwelling unit for every 7,000 square feet of land area). The
14 four parcels (On the Green Condominiums – Tax Lot 1S1-34BA #90000)
15 and (Conestoga Apartments – Tax Lots 1S1-34BA #00200, #00300 and
16 #00400) are proposed to be changed to R-3.5 (Urban Medium Density
17 with a maximum density of one dwelling unit for every 3,500 square feet
18 of land area).

19
20 **F. RZ 2002-0006 – TUALAWAY RESIDENTIAL ZONING MAP**
21 **AMENDMENT**

22 The purpose of this application is to apply a General Commercial (GC)
23 zoning designation to Tax Lots 00800 and 00900 on Tax Map 1S1-16BA.
24 The two parcels are currently zoned R-7 (Urban Standard Density with a
25 maximum density of one dwelling unit for every 7,000 square feet of land
26 area). The proposed zone is appropriate to implement a new
27 Comprehensive Plan designation of Corridor for the subject properties
28 effective on February 7, 2002. The uses allowed by this zone can be
29 referred to in the Beaverton Development Code.

30
31 Commissioner Johansen indicated that he had visited all of the sites, with the
32 exception of the Alterra Memory Care Center site, adding that he had not had any
33 contact with any individual(s) with regard to these applications.

34
35 Commissioner Bliss indicated that he had visited the Tualaway Residential site, is
36 familiar with the others, and had no contact with any individual(s) with regard to
37 these applications.

38
39 Commissioners Young, Barnard and Maks and Chairman Voytilla indicated that
40 they had visited all of the sites and had no contact with any individual(s) with
41 regard to these applications.

42
43 Commissioner Pogue indicated that he is familiar with but had not visited any of
44 the sites and that he had not had contact with any individual(s) with regard to
45 these applications.

46

1 Mr. Whitworth presented the Staff Reports and explained that all six applications
2 have been proposed by the City of Beaverton in order to comply with the recently
3 approved Corridor land use designation. He emphasized that no development
4 proposals have been submitted in connection with any of these applications, with
5 the exception of RZ 2002-0006 – Tualaway Residential Zoning Map Amendment,
6 which he explained is proposed for development as part of the expansion of the
7 *Saturn of Beaverton* car dealership. Concluding, he offered to respond to
8 questions.

9

10 Referring to RZ 2002-0002 – Alterra Memory Care Center Zoning Map
11 Amendment, specifically page 3 of the Staff Report, Chairman Voytilla
12 mentioned the PGE (Portland General Electric) power line properties owned by
13 THPRD (Tualatin Hills Park & Recreation District) and requested clarification of
14 whether this involves BPA (Bonneville Power Administration) right-of-way.

15

16 Mr. Whitworth advised Chairman Voytilla that tax records indicate that all of this
17 property is owned by THPRD, pointing out that PGE is a tax-paying entity and
18 THPRD is not. He informed the Commissioners that this request does not involve
19 the BPA right-of-way, which is located to the east of this area.

20

21 Chairman Voytilla questioned whether the power lines are located on an easement
22 that could potentially be revoked.

23

24 Mr. Whitworth informed Chairman Voytilla that this property shows up as actual
25 tax lots, adding that very few uses are permitted beneath the power lines. He
26 explained that this might include park operations and uninhabited storage
27 facilities. He pointed out that staff would be presenting a new institutional zoning
28 category created by the Comprehensive Plan, noting that this would involve the
29 THPRD property.

30

31 Referring to the Alterra Memory Care Center, specifically with regard to the
32 Open House or Neighborhood Meeting, Commissioner Maks pointed out that
33 throughout the documents it is indicated that the proposed zoning would not affect
34 the area and that no new development or changes to the existing development are
35 proposed in connection with this request. He requested clarification of whether
36 the public had been advised of what could occur as a result of this rezone.

37

38 Mr. Whitworth informed Commissioner Maks that the public had received
39 information with regard to what could occur as a result of this rezone, adding that
40 they had also pointed out the number of additional units could be constructed with
41 the redevelopment of a site.

42

43 Referring to three land use actions that had been reviewed by the Planning
44 Commission over the last 8 ½ years, Commissioner Maks emphasizing that there
45 had been a great deal of public controversy as a result of these three applications,
46 one of which was only because the proposed development was two stories in

1 height, adding that this is a standard height in an R-2 zone. He requested
2 clarification of whether possible uses and standards had been clearly explained to
3 the property owners affected by these rezones, adding that he would anticipate a
4 great deal of public testimony with regard to this action.

5

6 Mr. Whitworth pointed out there had been no particular discussion with regard to
7 this at the Neighborhood Meeting, noting that the Staff Report clearly indicates
8 that this zone allows one unit per 2,000 square feet.

9

10 Emphasizing that he prefers to address the public at the level of the average “Joe
11 6-Pack” citizen, Commissioner Maks noted that it is necessary to be completely
12 clear with regard to what could occur.

13

14 Mr. Whitworth expressed his opinion that the fact that this area could be
15 redeveloped has definitely occurred to the citizens, noting that R-2 zoning is
16 located to the east of this property.

17

18 Commissioner Maks assured Mr. Whitworth that he is familiar with the area, as
19 well as the R-7 area directly behind this area, adding that this involves 300
20 individuals concerned with two other applications.

21

22 Commissioner Maks indicated that he has no concerns with RZ 2002-0001 –
23 Waterhouse Place Apartments Rezone.

24

25 Commissioner Maks noted that although his concerns with regard to RZ 2002-
26 0002 – Alterra Memory Care Center Rezone have been addressed, he would like
27 clarification of why this area is being rezoned from R-7 (Urban Standard Density
28 – maximum density of one dwelling unit for every 7,000 square feet of land area)
29 to R-2 (Urban Medium Density – maximum density of one dwelling unit for
30 every 2,000 square feet of land area).

31

32 Mr. Whitworth indicated that staff had proposed rezoning this R-7 area to R-2
33 because the property on the other side of the power lines is zoned R-2.

34

35 Commissioner Maks pointed out that across the street is zoned R-5, which
36 involves a Planned Unit Development (PUD) with an average lot size of
37 approximately 3,800 square feet.

38

39 Mr. Whitworth explained that property zoned R-3.5 is also located across the
40 street, noting that while the area to the north is zoned R-7, there is a wetlands area
41 in between.

42

43 Commissioner Maks observed that he has no concerns with RZ 2002-0003 –
44 Sorrento Bluff Apartments Rezone.

45

1 Referring to RZ 2002-0004 -- Knollhurst Condominiums and Hyland Hills
2 Townhomes Rezone, Commissioner Maks questioned the zoning and approximate
3 lot size of the properties across the street from SW 142nd Avenue.
4

5 Mr. Whitworth advised Commissioner Maks that the property across the street
6 from SW 142nd Avenue is zoned R-7, adding that the approximate lot size is
7 slightly larger than 7,000 square feet. He explained that this involves a PUD,
8 adding that because both Knollhurst and Hyland Hills are developments of
9 slightly less than 7,000 square feet it was possible to move the density.
10

11 Commissioner Maks requested clarification of the rationale for rezoning from R-7
12 to R-4 (Urban Medium Density, which allows a maximum density of one
13 dwelling unit for every 4,000 square feet of land area).
14

15 Observing that the Planning Commission had designated this area as a Corridor,
16 Mr. Whitworth pointed out that this is the lowest density zoning available within
17 that category. He referred to a chart in the Land Use section of the
18 Comprehensive Plan that designates the allowed zones within the land use
19 designations.
20

21 Mr. Naemura explained that staff uses the map and the chart to determine the
22 allowable zones, based upon the relationship of the map and the chart.
23

24 Mr. Whitworth referred to page III-24, which provides the Comprehensive Plan
25 and Zoning District Matrix, observing that this document lists the land use
26 designation and allowable zones.
27

28 Commissioner Maks noted that at the time these Comprehensive Plan
29 designations were adopted, he had been informed that none of these designations
30 would make significant changes on the areas that are being affected, with regard
31 to the adjacent properties. He expressed his opinion changing from an R-7 to an
32 R-4 zoning is significant, noting that the densities should be indicated on the map.
33

34 Mr. Whitworth pointed out that the lots in the Hyland Hills Townhomes are 6,207
35 square feet per unit, and that the lots in the Knollhurst Condominiums are 6,164
36 square feet per unit.
37

38 Commissioner Maks suggested that if Corridors are going to be identified and
39 density is going to be increased, it is necessary to display some consideration for
40 the history of the City of Beaverton and those people who already live here.
41

42 Referring to RZ 2002-0005 – On the Green Condominiums and Conestoga
43 Apartments Rezone, Commissioner Maks noted that page 3 of the Staff Report
44 indicates that On the Green Condominiums could construct 21 additional units
45 while Conestoga Apartments would lose 73 units under the proposed R-3.5
46 zoning if they were to redevelop at maximum density. He pointed out that page 8

1 indicates that an additional 40 units could be constructed under the proposed
2 zoning, although this would require the development review process.

3

4 Observing that this had been an error, Mr. Whitworth explained that this number
5 40 had been carried forward from the Staff Report regarding RZ 2002-0004 –
6 Knollhurst Condominiums and Hyland Hills Townhomes Rezone. He clarified
7 that there would be an actual loss of 52 units for the On the Green Condominiums
8 and Conestoga Apartments combined, emphasizing that this loss is because the
9 area is developed at the Corridor density.

10

11 Commissioner Maks indicated that this is not an issue unless it is adjacent to a use
12 that he finds incompatible.

13

14 Referring to RZ 2002-0006 – Tualaway Residential Rezone, Commissioner Maks
15 requested further expansion on what staff is attempting to achieve.

16

17 Mr. Whitworth explained that when the new Comprehensive Plan had been
18 adopted, the area north of these two lots became High Density Residential, while
19 the areas to the east, south and west of these two lots were designated Corridor,
20 with General Commercial (GC) zoning. He pointed out that while this area is no
21 longer designated single family, staff had attempted to be compatible with the
22 adjacent neighborhoods.

23

24 Commissioner Maks requested clarification of whether this area is transitioning
25 towards commercial for a specific reason.

26

27 Mr. Whitworth noted that the GC has already been transitioning towards
28 commercial, adding that while to the east, south and west, the area is zoned
29 Corridor/GC, it is only to the north that the area is High Density Residential.

30

31 Commissioner Johansen requested clarification of how a density requirement
32 would apply in a redevelopment, specifically if the current density is less than the
33 proposed density.

34

35 Mr. Whitworth noted that most of these residential lots were developed under
36 PUD's, noting that any revision would require an amendment to the PUD with a
37 redevelopment of between 80% and 100% of the density requirement. He pointed
38 out that the redevelopment of condominiums would require the approval of all of
39 the owners for any revisions to occur.

40

41 Commissioner Barnard questioned whether staff has identified non-conforming
42 issues with the new density or zoning requirements.

43

44 Mr. Whitworth advised Commissioner Barnard that there are no non-conforming
45 issues with the proposed density or zoning requirements, adding that the PUD

1 approvals would allow a developer to rebuild property within a development that
2 has been damaged.

3
4 Mr. Osterberg pointed out that certain standards apply to a development that is
5 damaged or demolished, pointing out that any damage greater than 50% of its
6 replacement value, as described within the Development Code, would be covered
7 under the previous land use decisions, which are still in effect, explaining that the
8 removed units would be subject to the requirements of the previous approval.

9
10 Mr. Whitworth submitted for the record the two communications received with
11 regard to RZ 2002-0004 – Knollhurst Condominiums and Hyland Hills
12 townhomes Zone Change, from the Hyland Hills Townhouse Association, bearing
13 57 signatures, dated March 27, 2002; and from Dorothy S. Kelson, bearing an
14 additional 36 signatures, dated March 27, 2002, observing that copies have been
15 distributed to the Planning Commissioners.

16
17 **PUBLIC TESTIMONY:**

18
19 **ELAINE OAKES** mentioned that she is a member of the *Hyland Hills*
20 *Townhouse Association* and expressed her opposition to RZ 2002-0004 –
21 Knollhurst Condominiums and Hyland Hills Townhomes Zoning Map
22 Amendment. She discussed the concerns of the residents of the Hyland Hills
23 Townhomes, observing that their homes more closely match the R-7 zoning
24 designation than R-4, emphasizing that the 30-year old development is completely
25 owner-occupied and very well maintained. Observing that the residents of the
26 development are completely self-sufficient, she pointed out that they maintain
27 their own roads and landscaping without any assistance from the City of
28 Beaverton. Noting that no zoning changes have been proposed for the
29 surrounding areas along SW Murray Boulevard and SW Hart Road, she requested
30 clarification of the necessity of rezoning this area to the R-4 designation. She
31 expressed her concern that this R-4 designation would create the potential for
32 other undesirable changes to occur, emphasizing that the residents of this
33 neighborhood would prefer to retain their R-7 designation. Concluding, she
34 pointed out that the petition she had submitted included the signatures of nearly
35 everyone residing in the development, adding that this development includes 56
36 units.

37
38 Principal Planner Hal Bergsma explained that certain inconsistencies exist
39 between the Comprehensive Plan Map and the Zoning Map with regard to this
40 property. He explained that the Comprehensive Plan Map indicates that this
41 property is designated Corridor, which requires a minimum density zoning of R-4,
42 rather than the existing R-7. He pointed out that it is necessary either to change
43 the Zoning Map to be consistent with the Comprehensive Plan Map, or change to
44 Comprehensive Plan Map back to Standard Density Residential. He noted that
45 while staff has no problem with retaining the R-7 zone, the Planning Commission

1 must make a decision on whether to change the Zoning Map or the
2 Comprehensive Plan Map.

3

4 Ms. Oakes expressed concern that this change would occur right in the midst of
5 single-family development, expressing her opinion that this is unfair to both the
6 residents living in and those living outside of this island of development.

7

8 Chairman Voytilla observed that there had not been a great deal of public
9 testimony with regard to this revision of the Comprehensive Plan Map.

10

11 Mr. Bergsma pointed out that while the public received notification, these notices
12 were very general with regard to the changes that were proposed, adding that the
13 public may not have clearly understood the implications of these proposals.

14

15 Ms. Oakes questioned whether registered letters had been mailed out with regard
16 to these proposals, observing that none of the residents remember receiving this
17 information.

18

19 Chairman Voytilla advised Ms. Oakes that notifications had been mailed, as well
20 as public notices in the newspaper, adding that staff had also provided
21 renotificaitons with regard to these proposals.

22

23 Mr. Bergsma pointed out that notices of rezones must be sent out by certified
24 mail, adding that this is not required for changes to the Comprehensive Plan Map
25 designations.

26

27 For the benefit of the public, Commissioner Maks requested a brief explanation of
28 the Measure 56 notification process.

29

30 Chairman Voytilla explained that the voters of the State of Oregon had approved
31 Ballot Measure 56 several years ago, observing that this provides that property
32 owners must receive direct notification of these types of decisions on a citywide
33 basis, adding that this incurs a great expense with regard to postal rates.

34

35 Commissioner Maks noted that most envelopes containing Measure 56 Notices
36 include more than one notice, adding that the document is generally printed on
37 pink paper.

38

39 Observing that it is dependent upon the nature of the proposal, Mr. Naemura
40 explained that not every Measure 56 Notice is Citywide.

41

42 Ms. Oakes requested clarification of whether the residents have any recourse with
43 regard to this action.

44

45 Chairman Voytilla reminded Ms. Oakes that staff had indicated that the Planning
46 Commission must determine whether to change the Zoning Map or change the

1 Comprehensive Plan Map back to the original designation which would allow the
2 R-7 zoning to continue. He reiterated that the likelihood of the properties that are
3 involved being redeveloped is very small, indicating that this would involve an
4 entire redevelopment proposal.

5
6 Reiterating that Hyland Hills is a very well established and maintained
7 neighborhood, Ms. Oakes emphasized that the City of Beaverton should
8 appreciate the pride that these residents take in their neighborhood.

9
10 Chairman Voytilla agreed that this neighborhood reflects a very well done project.

11
12 Commissioner Barnard pointed out that as an investment policy, increasing the
13 density of this neighborhood would actually increase the value of the existing
14 homes.

15
16 **DOROTHY KELSON** expressed her opposition to RZ 2002-0004 – Knollhurst
17 Condominiums and Hyland Hills Townhomes Zoning Map Amendment,
18 observing that her she and her husband are the original owners of their home in
19 which they have lived for 31 years. Observing that she does not represents
20 anyone but is a homeowner in the area of Hyland Hills, she mentioned that she
21 had prepared a letter which many of her neighbors signed, many of whom are in
22 attendance, and read her prepared statement requesting denial of the application.

23
24 Commissioner Maks expressed his appreciation for Ms. Kelson's testimony, and
25 followed up on Chairman Voytilla's explanation with regard to the minimum
26 density zoning or the Corridor designation, which is R-4. He pointed out that
27 these objections should have been raised during the amendments to the
28 Comprehensive Plan Map. He expressed his disagreement with allowing this area
29 to retain the current R-7 designation, emphasizing that no area in the Portland
30 Metropolitan Area can necessarily stay the same. He referred to the Urban
31 Growth Boundary (UGB), adding that in order to minimize the growth of the
32 UGB, it is necessary to grow, pointing out that one-third of this growth is us and
33 one-third of this growth is our children. He emphasized that it has become
34 necessary to grow in a more dense fashion. Noting that he does not disrespect
35 where we have come from, where we are, and where we would like to go, he
36 emphasized that this involves a balancing act and that staff is doing the best that
37 they can. He explained that the R-4 zone had been designed specifically for
38 family-oriented owner-occupied homes, with affordable housing included as a
39 component.

40
41 Ms. Kelson requested clarification of whether there is any possibility of retaining
42 the R-7 designation in this area, observing that the areas to the north, east, south
43 and west of the townhomes are all R7, adding that these are all single-family
44 residences built at approximately the same time as the townhomes.

45

1 Chairman Voytilla reiterated that as staff had indicated, this density decision
2 occurred over a year ago, adding that now is the time to determine which Corridor
3 designations would be imposed on the properties. Emphasizing that the procedure
4 had already been explained, he pointed out that the decision has already been
5 made and that there is no option to retain the R-7 designation.

6
7 Mr. Bergsma pointed out that the Planning Commission has the ability to reverse
8 last year's decision, deny the application and change the designation of property
9 back to the Standard Density Residential designation, observing that this action
10 would not require a City-wide Measure 56 notice.

11
12 Commissioner Barnard pointed out that any decision made by the Planning
13 Commission could be appealed to the City Council, adding that a City Council
14 decision could be appealed to the Land Use Board of Appeals (LUBA).

15
16 Ms. Kelson pointed out that the residents of this neighborhood would greatly
17 appreciate a recommendation by the Planning Commission to retain their current
18 R-7 zoning designation.

19
20 **TOM BERNARD** testified with regard to RZ 2002-0004 – Knollhurst
21 Condominiums and Hyland Hills Townhomes Zoning Map Amendment, and
22 requested clarification of the difficulty of changing this R-7 designation to an R-4
23 designation in the future in the event that the R-7 designation is retained at this
24 time.

25
26 Chairman Voytilla advised Mr. Bernard that theoretically, any zoning designation
27 could be changed at any time through the appropriate procedure.

28
29 Observing that the property is currently fully developed at the present R-7 zoning
30 designation, Mr. Bernard requested clarification of the rationale for changing this
31 area to an R-4 designation if there are no current proposals or developments that
32 would require this action.

33
34 Chairman Voytilla explained the necessity of complying with the higher density
35 outlined in the 2040 Plan, noting that this is part of the process.

36
37 Commissioner Maks pointed out that Metro's planning horizon is currently out to
38 the year 2015, noting that this includes what must be accommodated with regard
39 to employment, housing and the potential growth of the UGB. Referring to a
40 State law that provides a requirement with regard to a 20-year housing supply, he
41 emphasized that Metro has indicated that the population would increase by
42 500,000 by the year 2015, emphasizing that the City of Beaverton is required to
43 indicate to Metro how they would accommodate a portion of these additional
44 500,000 people. Noting that everyone has to work together, he pointed out that
45 there would be no progress if everyone assumes that everything would remain the

1 same. He emphasized that staff has an extremely tough job, noting that they are
2 required to balance the requirements of multiple stakeholders and mandates.

3
4 Mr. Bergsma explained that basically, staff is attempting to recognize properties
5 that already have the appearance of Corridor-type land uses, noting that Corridors
6 are defined in Metro's Urban Growth Management Functional Plan as basically
7 multiple-family, higher-density properties along major streets, with some measure
8 of decent transit service. Observing that designating this particular neighborhood
9 as a Corridor might have missed the mark, he noted that this area might be closer
10 to a neighborhood-type density than a corridor, adding that the Planning
11 Commission is in the position of making a determination of whether or not to
12 allow this area to continue with the R-7 zoning designation.

13
14 Mr. Bernard pointed out that while this area might not be defined as single-family
15 residential and several of the condominiums have two stories, this area is very
16 closely the equivalent of a single-family residential area.

17
18 Chairman Voytilla clarified that the area is actually a single-family attached
19 project with common walls, adding that the property owners have a common
20 homeowners association and share common maintenance.

21
22 **PAUL OAKES** testified with regard to RZ 2002-0004 – Knollhurst
23 Condominiums and Hyland Hills Townhomes Zoning Map Amendment,
24 requesting denial of the application. He expressed his opinion that the former
25 Comprehensive Plan designation and R-7 zoning designation should be retained,
26 adding that he disagrees with any decision to impose the Corridor designation on
27 this property.

28
29 **LEE LEIGHTON**, representing *Westlake Consultants* on behalf of *Saturn of*
30 *Beaverton*, expressed his support of RZ 2002-0006 – Tualaway Residential
31 Zoning Map Amendment, observing that this action changes the designation of
32 two lots on Tualaway Street from the existing residential designation to Corridor
33 designation. He pointed out that *Saturn of Beaverton* has acquired these two
34 properties with the intention of demolishing the existing homes and ultimately
35 using the two properties in conjunction with vehicle storage for the dealership.
36 He explained that although no decision has been made at this time, the two key
37 options for this development include the following:

38
39 ?? Raze the existing homes and leave the site at its existing grade; or

40 ?? Excavate down approximately seven feet to the level of the vehicle storage
41 area located behind the property.

42
43 Mr. Leighton noted that the development would be basically identical to what
44 *Damerow Ford* has accomplished just across Tualaway Avenue.

45

1 **DON DELZER** testified with regard to RZ 2002-0006 – Tualaway Residential
2 Zoning Map Amendment, adding that while there has been some opposition with
3 regard to the potential adverse effect, both dealerships need to provide improved
4 parking for both customers and employees. He expressed his concern with traffic
5 issues, children, dogs and the installation of appropriate traffic control devices.

6
7 Chairman Voytilla advised Mr. Delzer that there are no plans at this time with
8 regard to specific development in this area.

9
10 Observing that he is aware of this, Mr. Delzer pointed out that his concerns are
11 with regard to the potential for future development.

12
13 On question, staff had no further comments at this time.

14
15 On question, Mr. Naemura indicated that he had no comments with regard to
16 these applications at this time.

17
18 The public portion of the Public Hearing was closed.

19
20 On question, all Commissioners expressed their support of RZ 2002-0001 –
21 Waterhouse Place Apartments Zoning Map Amendment.

22
23 Commissioners Barnard, Pogue, Johansen, Bliss and Young and Chairman
24 Voytilla all expressed their support of RZ 2002-0002 – Alterra Memory Care
25 Center Zoning Map Amendment.

26
27 Commissioner Maks stated that he does not support RZ 2002-0002 – Alterra
28 Memory Care Center Zoning Map Amendment, observing that while this area
29 should be designated at an increased density, he does not agree with staff's
30 proposal for the R-2 zoning designation and would prefer that this area be
31 designated R-3.5 or R-4 (Urban Medium Density).

32
33 Commissioner Johansen and Chairman Voytilla indicated that Commissioner
34 Maks' comments are persuasive, adding that they would support reconsideration
35 of RZ 2002-0002 – Alterra Memory Care Center Zoning Map Amendment to a
36 zoning designation of R-3.5 or R-4, rather than R-2, as recommended by staff.

37
38 In response to a question from Commissioner Barnard, Mr. Bergsma clarified that
39 the Planning Commission has the option of applying the R-3.5 or R-4, rather than
40 the R-2 zoning designation suggested by staff, adding that this lower density
41 would be consistent with the Comprehensive Plan Map designation.

42
43 Commissioner Pogue indicated that Commissioner Maks' comments had been
44 persuasive, adding that he would also like to reconsider RZ 2002-0002 – Alterra
45 Memory Care Center Zoning Map Amendment to a zoning designation of R-3.5
46 or R-4, rather than the R-2 designation recommended by staff.

1 On question, all Commissioners expressed their support of RZ 2002-0003 –
2 Sorrento Bluff Apartments Zoning Map Amendment.

3 Commissioner Barnard discussed citizen input with regard to the revisions of the
4 Comprehensive Plan, observing that out of consideration of the input with regard
5 to RZ 2002-0004 – Knollhurst Condominiums and Hyland Hills Townhomes
6 Zoning Map Amendment, he does not support this application.
7

8 Chairman Voytilla clarified that in addition to not supporting a specific
9 application, it is also necessary to provide direction to staff with regard to action
10 that should be taken.
11

12 Observing that he would like to defer his comment with regard to this application
13 until after his fellow Commissioners have spoken, Commissioner Pogue indicated
14 that he has a procedural question with regard to what had been involved in the
15 changes to the Comprehensive Plan.
16

17 Chairman Voytilla advised Commissioner Pogue that changes to the
18 Comprehensive Plan would involve a recommendation by staff.
19

20 Commissioner Pogue indicated that he would like to designate this area
21 Residential, rather than the Corridor designation proposed by staff, adding that he
22 would like to reserve the right to make additional comments.
23

24 Chairman Voytilla pointed out that he agrees with Commissioner Barnard,
25 emphasizing that he does not support this application.
26

27 Commissioner Maks indicated that he does not support this application.
28

29 Commissioner Johansen expressed his appreciation to staff for clarifying the
30 available options, adding that he would support a motion to deny the application.
31

32 Commissioner Bliss expressed his opinion that corridor development is a totally
33 inappropriate designation for this section of land, observing that this is the proper
34 time to rectify this error and that he is in support of denying this application.
35

36 Commissioner Young expressed his agreement with the statements of his fellow
37 Commissioners, adding that he does not support this application.
38

39 On question, all Commissioners expressed their support of RZ 2002-0005 – On
40 the Green Condominiums and Conestoga Apartments Zoning Map Amendment.
41

42 On question, all Commissioners expressed their support of RZ 2002-0006 –
43 Tualaway Residential Zoning Map Amendment.
44

45 Commissioner Maks **MOVED** and Commissioner Barnard **SECONDED** a
46 motion that RZ 2002-0001 – Waterhouse Place Apartments Rezone be

1 **APPROVED**, based upon the testimony, reports and exhibits, new evidence
2 presented during the Public Hearing on the matter and upon the background facts,
3 findings and conclusions found in the Staff Report dated March 15, 2002.

4

5 Motion **CARRIED**, unanimously.

6

7 Commissioner Maks **MOVED** and Commissioner Barnard **SECONDED** a
8 motion that RZ 2002-0003 – Sorrento Bluff Apartments Rezone be **APPROVED**,
9 based upon the testimony, reports and exhibits, new evidence presented during the
10 Public Hearing on the matter and upon the background facts, findings and
11 conclusions found in the Staff Report dated March 12, 2002.

12

13 Motion **CARRIED**, unanimously.

14

15 Commissioner Maks **MOVED** and Commissioner Barnard **SECONDED** a
16 motion that RZ 2002-0005 – On the Green Condominiums and Conestoga
17 Apartments Rezone be **APPROVED**, based upon the testimony, reports and
18 exhibits, new evidence presented during the Public Hearing on the matter and
19 upon the background facts, findings and conclusions found in the Staff Report
20 dated March 19, 2002, as amended.

21

22 Motion **CARRIED**, unanimously.

23

24 Commissioner Maks **MOVED** and Commissioner Young **SECONDED** a motion
25 that RZ 2002-0006 – Tualaway Residential Rezone be **APPROVED**, based upon
26 the testimony, reports and exhibits, new evidence presented during the Public
27 Hearing on the matter and upon the background facts, findings and conclusions
28 found in the Staff Report dated March 20, 2002.

29

30 Motion **CARRIED**, unanimously.

31

32 10:15 p.m. to 10:17 p.m. – break.

33

34 Commissioner Maks **MOVED** and Commissioner Barnard **SECONDED** a
35 motion that RZ 2002-0004 – Knollhurst Condominiums and Hyland Hills
36 Townhomes Rezone be **DENIED**, based upon the information found in the Staff
37 Report dated March 19, 2002, and testimony received this evening, due to the fact
38 that the application fails to conform with the City of Beaverton's Comprehensive
39 Plan, specifically as follows:

40

41 ?? Goal 3.4.1 – provide a policy framework for community design to
42 establish a positive identity while enhancing livability. It is possible that a
43 policy framework error was made in this Comprehensive Plan designation,
44 and this error would be compounded with this zoning;

45

1 ?? Goal 3.4.2 – proper relationships between residential, commercial and
2 industrial mixed in public land is to provide a sound basis for
3 urbanization;
4

5 ?? Goal 3.1.0.1 – an attractive mix of commercial and higher density
6 residential uses along major roads in the City that invites pedestrian
7 activity where appropriate. One could argue whether the zone change to
8 R-4 is accomplishing that goal with regard to the word “mix”;
9

10 ?? Goal 3.1.0.1(c) -- recommended criteria include but are not limited to
11 minimum and maximum zoning district sizes, minimum floor area ratios
12 and housing densities, minimum distances between other similar zoning
13 classifications, uses and schools.
14

15 Motion **CARRIED**, unanimously.
16

17 Commissioner Maks **MOVED** and Commissioner Barnard **SECONDED** a
18 motion that RZ 2002-0002 -- Alterra Memory Care Center Rezone be
19 **APPROVED**, based upon the testimony, reports and exhibits, new evidence
20 presented during the Public Hearing on the matter and upon the background facts,
21 findings and conclusions found in the Staff Report dated March 19, 2002,
22 designating the zone R-3.5 (Urban Medium Density with a minimum land area of
23 3,500 square feet per dwelling unit), for all three parcels, rather than R-2 (Urban
24 Medium Density with a minimum land area of 2,000 square feet per dwelling
25 units), as recommended by staff.
26

27 Motion **CARRIED**, unanimously.
28

29 **MISCELLANEOUS BUSINESS:**
30

31 The meeting adjourned at 10:22 p.m.